

**Report of the
Constitution Committee
to the
75th Convention**

CWA

**Communications Workers of America
June 8-10, 2015
Detroit, Michigan**

**REPORT OF THE
CONSTITUTION COMMITTEE
TO THE
75th CONVENTION**

1 The Constitution Committee met in the city of Washington, D.C., beginning
2 April 9, 2015, for the purpose of reviewing and considering proposed
3 amendments to the CWA Constitution.
4

5 The Constitution provides under Article XVI, Section 2, that the
6 Constitution Committee is “charged with the duty of considering and
7 reporting to the Convention and to the Executive Board on proposals to
8 change this Constitution.” Article XXVIII, Sections 2 & 3, provides that
9 amendments submitted to the Constitution Committee sixty (60) days or
10 more in advance of the Convention will require a majority vote of the
11 delegates present to be enacted. All other amendments to the Constitution
12 proposed at the Convention shall require a three-fourths (3/4) vote of those
13 voting to effectuate such proposed amendments, but in no event shall the
14 three-fourths (3/4) vote of those voting thereupon be less than a majority
15 vote of the approved delegates at the Convention.
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17 The Constitution Committee held meetings in Detroit, Michigan, beginning
18 June 5, 2015, after the preliminary report was issued on April 13, 2015.
19

20 This report sets forth all proposed amendments that have been received by
21 the Committee to date. A strikeout denotes deletion of language; **boldface**
22 **and underlined** type denotes insertion of new language. Each proposal in this
23 Preliminary Report will require a majority vote of the delegates at the
24 Convention to be enacted.
25

26 1. AMEND Article XV– Elections

27 Section 2 (e) - Vice Presidents and PPMWS Executive Officer
28

- 29 (e) In the event a vacancy occurs in the Office of Vice President, PPMWS
30 Executive Officer, or At-Large Diversity Executive Board Member for any
31 reason, an election shall be held at the next regular Convention for the
32 purpose of electing a Vice President, PPMWS Executive Officer, or At-Large
33 Diversity Executive Board Member to fill the unexpired term **if the**
34 **unexpired term is 180 days or less. Should the unexpired term be 181**
35 **days or greater, there shall be an election conducted in the district(s)**
36 **or sector(s) to fill the vacancy. Eligible voters shall be delegates duly**
37 **elected to the immediate past Convention.**
38

39 (Submitted by District 9 Meeting)

40 The Committee discussed this proposal with Larry Cohen, CWA - President,
41 Jody Calemine – CWA General Counsel, and T Santora, Local 9003 President.
42

43 The Constitution Committee commends and appreciates the members of
44 District 9 for bringing this important issue forward. The Committee carefully
45 reviewed and discussed both proposed amendments on this issue. The
46 Committee believes the Executive Board’s proposal provides a clearer defined
47 special election procedure in the event of a vacancy in the position of Vice
48 President. T Santora, the maker of the motion at the District 9 meeting,
49 concurs with the committee’s recommendation.

50 **THE COMMITTEE DOES NOT RECOMMEND ADOPTION OF THIS**
51 **PROPOSAL.**

52

53 2. AMEND Article IX – Executive Board
54 Section 2 (c) (d)

55 **(c) Notwithstanding paragraph (a) or Article XV, Section 2(e), if a vacancy**
56 **should occur among the Vice Presidents or PPMWS Executive Officer at least**
57 **one year prior to the start of the next regular Convention, such vacancy**
58 **shall be filled by means of a special election of a successor for the balance of**
59 **the unexpired term. Such election shall be conducted by the Secretary-**
60 **Treasurer within 60 days after the date of start of the vacancy, under rules**
61 **approved by the Executive Board. Ballots shall be cast by the presidents of**
62 **the eligible locals, carrying the voting strength that such locals were**
63 **assigned at the last regular Convention.**

64

65 (e) **(d)** The President shall vote in Executive Board meetings only in the event of a tie
66 vote.

67 (Submitted by CWA Executive Board, March 30, 2015)

68 The Committee discussed this proposal with Larry Cohen, CWA - President,
69 Jody Calemine – CWA General Counsel, and T Santora, Local 9003 President.
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71 The purpose of this amendment is to address the issue of Executive Board Vice
72 President vacancies that occur at least one year prior to the next convention.
73 The current process for filling such vacancies has been for the Executive Board
74 to appoint a successor to fill the position until the next convention.

75 Traditionally, the Assistant to the Vice President has been appointed to fill the
76 remainder of the unexpired term. Presently, with Biennial Conventions,
77 unexpired terms can extend beyond 12 months. Recently, two CWA Vice

78 Presidents retired with 17 and 20 months remaining in their terms. The
79 committee recognizes the critical nature of the Vice President position and the
80 importance of ensuring that locals are able to democratically elect their Vice
81 President.

82 This amendment requires that an election be held within 60 days after the first
83 day of the vacancy if there is at least one year remaining in the term prior to
84 the next regular convention. This amendment only applies to the Executive
85 Board Vice President positions. This proposal does not apply to the At Large
86 Diversity Executive Board positions since those positions are elected by the
87 entire convention rather than by one district or sector. The amendment leaves
88 the method of election up to the Executive Board, such that a special election
89 might be conducted by mail or other means short of a meeting.

90 Under this proposal, ballots would be cast by the Presidents of eligible locals,
91 carrying the voting strength that such locals were assigned at the last regular
92 Convention. The rationale for not having all delegates from the previous
93 Convention vote in this special election is that some delegates may have moved,
94 retired or resigned. Locating them would be a logistical challenge for the
95 Union. Presidents of eligible locals are without question the democratically
96 elected representatives of the members.

97 Some locals may have bylaws which make certain officers delegates to
98 convention automatically. This constitutional amendment does not conflict
99 with such bylaws. Currently, delegates to a convention do not have the ability
100 to select interim officers to immediately fill vacancies arising in between
101 Conventions. That authority currently rests with the appointment power of the
102 Executive Board. Under this amendment, local presidents would gain the right
103 to elect a successor for the unexpired term if the vacancy occurs during a
104 specified time period (at least one year prior to the next regular convention).
105 These special elections are not Conventions. Elected delegates would continue
106 to participate in elections that occur at Convention.

107 **THE COMMITTEE RECOMMENDS ADOPTION OF THIS PROPOSAL.**

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109 3. AMEND Article V – Membership
110 Section 6 (f) —Retired Members’ Council

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112 (f) The Council Executive Board members shall also serve as delegates to all CWA
113 Conventions during their term of office and shall each carry one (1) vote. **The**
114 **Council Vice Presidents shall also serve as delegates to all CWA Conventions**
115 **and shall each carry one vote.** As delegates to the CWA Convention, Council
116 Executive Board members **and Council Vice Presidents** shall have the right to
117 vote in elections of the CWA President and Secretary-Treasurer.

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(Submitted by Local President RMC 30901 James Starr)

This amendment was withdrawn after the Constitution Committee issued its preliminary report.

4. Article VIII – Conventions
Section 4 (c) – Composition of Conventions

(c) **Each Local delegate shall attend the Convention, in the absence of exigent circumstances.** Each Local may elect an alternate delegate for each delegate elected who shall attend the Convention in the event the delegate is unable to attend.

(Submitted by Jesse Averhart of Local 1033 and Mary Walker of Local 1033)

The committee spoke with Jesse Averhart of Local 1033 regarding this amendment.

The purpose of this proposal is to require that all Local delegates attend the Biennial Convention, absent exigent circumstances. The committee recognizes the importance of all delegates attending the Biennial Conventions.

This proposal removes the authority of the membership to make decisions based on specific needs or circumstances in their respective Locals and would prohibit locals from sending fewer delegates.

The Constitution defines the number of delegates for each local and provides for an alternative means for representation by way of proxy for locals composed of less than 200 members. The committee believes this amendment would conflict with Article XXIV – Proxy Voting.

This proposed amendment was submitted less than sixty (60) days prior to the 2015 Convention and therefore requires a (3/4) vote of those voting at Convention as provided by Article XXVIII, Section 2 and Section 3.

THE COMMITTEE DOES NOT RECOMMEND ADOPTION OF THIS PROPOSAL

153 5. Article XV – Elections
154 Section 4 (a) – General Provisions

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156 (a) Locals shall adopt Bylaws ~~or Rules~~ to govern the nomination and election of
157 officers, members of a governing body, delegates and alternate delegates;
158 the appointment, selection or election of stewards and committee members;
159 and the filling of vacancies. Locals shall select an election committee which
160 shall conduct all elections and referenda in accordance with the Constitution,
161 Local Bylaws ~~or Rules~~, and Federal or Provincial Law. All questions concerning
162 the conduct and challenge of elections shall be determined by the election
163 committee subject to the right of appeal to the governing body and membership
164 of the Local. The election committee shall tally the ballots in all elections and
165 notify the membership of its tentative certification of the results. Absent a
166 challenge to the election, the tentative certification shall become final ten days
167 thereafter.

168
169 (Submitted by Jesse Averhart of Local 1033 and Mary Walker of Local 1033)

170
171 The committee spoke with Jesse Averhart of Local 1033 regarding this
172 amendment.

173 The purpose of this proposal is to prohibit locals from adopting rules to govern
174 the nominations and election of officers, members of a governing body,
175 delegates and alternate delegates, the appointment, selection or election of
176 stewards and committee members, and the filling of vacancies.

177 The committee strongly feels that this amendment would prohibit locals from
178 adopting rules to govern their affairs and infringes unnecessarily on locals
179 self-governing authority.

180 This proposed amendment was submitted less than sixty (60) days prior to the
181 2015 Convention and therefore requires a (3/4) vote of those voting at
182 Convention as provided by Article XXVIII, Section 2 and Section 3.

183 **THE COMMITTEE DOES NOT RECOMMEND ADOPTION OF THIS**
184 **PROPOSAL**

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191 Respectfully submitted,
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193 Don Trementozzi, Jr., Chair, President, CWA Local 1400
194 Evelyn Smith, Secretary-Treasurer, CWA Local 6222
195 Christy Kuehn, Executive Vice President, CWA Local 7201
196 James Ryan, Executive President, CWA Local 13101
197 Dante Harris, President, AFA-CWA Local 29012